

MELINDA HAAG (CABN 132612)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

GARTH HIRE (CABN 187330)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612-5217
Telephone: (510) 637-3929
Facsimile: (510) 637-3724
E-Mail: Garth.Hire@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, September 21, 2010.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, November 9, 2010, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, the parties have agreed to submit the methamphetamine for
 3 independent examination and analysis by an non-government laboratory. The parties expect this
 4 examination and analysis to take several weeks. This independent examination and analysis is
 5 necessary for the defense to effectively prepare for trial in this matter. The parties believe that
 6 failure to grant the above-requested continuance would deny defendants' counsel and defendant
 7 the reasonable time necessary for effective preparation taking into account the exercise of due
 8 diligence and that the ends of justice served by continuing the case as requested outweigh the
 9 interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

10 4. Thus, the parties respectfully request that the Court find that the time period from
 11 September 21, 2010, to November 9, 2010, is excludable pursuant to 18 U.S.C.
 12 §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the
 13 defendants' request and on the basis of the Court's finding that the ends of justice served by
 14 taking such action outweigh the best interest of the public and the defendants in a speedy trial
 15 and because failure to grant the continuance would unreasonably deny defense counsel the time
 16 necessary for effective preparation for trial, taking into account due diligence.

17 IT IS SO STIPULATED.

18 MELINDA HAAG
 19 United States Attorney

20 Dated: September 20, 2010

21 /s/
 22 GARTH HIRE
 23 Assistant United States Attorney
 24 Attorney for United States of America

25 Dated: September 20, 2010

26 /s/
 27 LYNN KESLAR
 28 Attorney for Defendant
 Juan Octaviano Lopez

1 Dated: September 20, 2010

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

6 **ORDER**

7 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

8 1. The currently scheduled September 21, 2010, status conference hearing is
9 vacated. A status conference hearing is now scheduled for 9:00 a.m. on November 9, 2010.

10 2. The time period from September 21, 2010, to November 9, 2010, is deemed
11 excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance
12 granted by the Court at the defendants' request and on the basis of the Court's finding that the
13 ends of justice served by taking such action outweigh the best interest of the public and the
14 defendants in a speedy trial and because failure to grant the continuance would unreasonably
15 deny defense counsel the time necessary for effective preparation for trial, taking into account
16 due diligence.

17
18 DATED: 9/22/10


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE